

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES H. WILLIAMS,	:	
	Plaintiff	:
		: No. 1:01-CV-0280
v.	:	
		: Judge Kane
RICHARD L. SPAIDE,	:	
	Defendant	: Electronically Filed Document

**DEFENDANT SPAIDE'S FIRST REQUEST FOR ENLARGEMENT
OF TIME TO FILE A DISPOSITIVE MOTION AND SUPPORTING BRIEF**

Defendant, Richard Spaide, through his attorneys, requests that this Court enlarge the time to file Dispositive Motions and supporting briefs and states the following in support.

1. By Order dated April 25, 2004, the court set May 26, 2004 as the deadline to complete discovery and June 25, 2006 to file any Motions for Summary Judgment and supporting brief.

2. Plaintiff served Defendant Spaide with discovery requests on May 20, 2004, six (6) days before the discovery deadline. In accordance with Federal Rules of Civil Procedure 33 and 34, Defendant's responses were due to be served on or before June 19, 2004.

3. Defendant's responses were served on Plaintiff on June 17, 2004 at SCI-Mahanoy, Plaintiff's last known address.

4. On June 21, 2004, Defendant received a notice from Plaintiff informing Defendant that Plaintiff's address had changed again to SCI-Green.

5. On June 21, 2004, Defendant sent Plaintiff another copy of the discovery responses to his new address at SCI-Green.

6. In order to allow Plaintiff sufficient time to receive Defendant's discovery responses and prepare any dispositive motion and supporting brief, and to allow Defendant the same opportunity, Defendant requests that the deadline for the filing to dispositive motions be extended for thirty (30) days or until July 26, 2004.

7. Defendant has not sought the consent of Plaintiff in this motion because he is a prisoner and his consent is not required under the Federal Rules of Civil Procedure.

WHEREFORE, Defendant respectfully requests that the deadline for the filing of any dispositive motions and supporting briefs be extended thirty (30) days or until July 26, 2004.

Respectfully submitted,

GERALD J. PAPPERT
Attorney General

Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
Phone: (717) 705-7327
Fax: (717) 772-4526

Date: June 21, 2004

By: *s/Linda S. Lloyd*
LINDA S. LLOYD
Deputy Attorney General
Attorney ID 66720

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Civil Litigation Section

Counsel for Defendant Spaide

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CERTIFICATE OF SERVICE

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on June 21, 2004, I caused to be served a true and correct copy of the foregoing document titled Defendant Spaide's First Request for an Enlargement of Time to File A Dispositive Motion and Supporting Brief by depositing same in the United States Mail, first-class postage prepaid to the following:

James H. Williams, AY-8692
SCI-Green
174 Progress Drive
Waynesburg, PA 15370

s/Linda S. Lloyd
LINDA S. LLOYD
Deputy Attorney General